

ORDINANCE
OF THE
HOOPA VALLEY TRIBAL COUNCIL

TITLE NO. 20

ORDINANCE NO: 1-81 Amendment No. 1

DATE APPROVED: August 18, 1994

SUBJECT: AMENDING ORDINANCE 1-81 EMERGENCY ACTION TO SUPPRESS ARSON

- WHEREAS: The Hoopa Valley Tribe on June 20, 1972, adopted a Constitution and By-Laws which was approved by the Commissioner of Indian Affairs on August 18, 1972, and ratified and confirmed by Congress, PL 100-580, § 8, 102 Stat. 2932 (1988);
- WHEREAS: Article V of the Constitution establishes a Hoopa Valley Tribal Council as the governing body of the Tribe;
- WHEREAS: Article IX of the Constitution grants to the Tribal Council the power and the duty to administer tribal property, § 1(a), and to safeguard and promote the peace, safety, morals and general welfare of enrolled members of the Hoopa Valley Tribe by regulating the use and disposition of property on the Hoopa Valley Reservation, § 1(l);
- WHEREAS: The Hoopa Valley Tribe, proceeding through the Tribal Council, retains the inherent sovereign authority to suppress arson on the Hoopa Valley Reservation;
- WHEREAS: On the afternoon of August 18, 1994, there were at least 15 fires burning on 130 acres, 250 acres having burned in just the last few weeks, the net financial loss to the Tribe for 75 acres of standing timber burned on Supply Creek being roughly \$100,000, there are 170 or more fire suppression personnel on site, many of whom are enrolled tribal members, at least 10 fire fighters have sustained serious injuries while fighting fires; if the present fires or subsequent fires get out of hand, profound loss of life, homes, forest and watershed can occur;
- WHEREAS: The Tribal Council is informed that the source of the fires is arson;
- WHEREAS: In light of the recitals herein and the information on which they are grounded, supplied by Hoopa tribal members and the Hoopa Valley Tribal Police and Fire Suppression personnel, the Tribal Council finds and hereby determines that there is an immediate threat to the Tribe, its enrolled tribal members and its resources and assets, and further that emergency regulation is called for to reduce the risk of harm to Hoopa children, women and men, their homes, their financial security and natural resources by continuing arson.

NOW THEREFORE BE IT RESOLVED THAT: the Tribal Council hereby invokes § 6.10.1 of the Legislative Procedures Act, Ordinance No. 4-89, and amends Ordinance No. 1-81, passed February 19, 1981, by inserting the following new language:

3. Arson - the Hoopa Valley Tribal Council authorizes and instructs the Chairman to offer a \$10,000.00 reward for information leading to the arrest and conviction of a person or persons responsible for committing arson on the Hoopa Valley Reservation; to carry out a public information plan intended to suppress arson; to obtain from federal, state and local officials their priority assistance in

investigating and prosecuting incidents of arson; and to initiate the process for exclusion from the Hoopa Valley Reservation of convicted arsonists.

THEREFORE BE IT FURTHER RESOLVED THAT: the Tribal Council hereby instructs the Chairman to solicit public opinion respecting suppression of arson and to place this amended language on the Tribal Council Agenda to be considered for permanent adoption; this ordinance shall be routed to tribal departments and components in conformance with § 6.3 of the Legislative Procedures Act to obtain their comments and criticism.

CERTIFICATION

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Valley Tribal Council is composed of eight (8) members of which five (5) were present, constituting a quorum by Special Consent thereof; duly and regularly called, noticed, convened and adopted by a vote of five (5) in favor, zero (0) opposed and zero (0) abstaining, and that said resolution has not been rescinded or amended or modified in any way.

Dated this eighteenth day of August 1994.

Pliny McCovey, Sr., Vice-Chairman
Hoopa Valley Tribal Council

Attest: _____
Marla Hunsucker, Executive Secretary
Hoopa Valley Tribal Council